

REMARKS

Claims 7 and 13 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by United States Patent No. 5,712,694 to Taira et al. Applicants respectfully traverse this rejection.

As a preliminary matter, Applicants respectfully submit that it is improper for the Examiner to disregard certain claimed features that the Examiner has deemed to be functional. Even assuming *arguendo* that the phrase “which emits linearly polarized light,” is functional language, such language must be considered and given patentable weight, as stated in the following cases: K-2 Corp. v. Salomon S.A., 52 USPQ2d 1001, 1004, (Fed. Cir. 1999) (“The functional language is, of course, an additional limitation in the claim.”); Wright Med. Tech., Inc. v. Osteonics Corp., 43 USPQ2d 1837, 1839-41 (Fed. Cir. 1997) (functional language, such as defining a rod as being “adapted to closely fit in and extend through the narrowest portion of the human femur” recites a limitation to the claim); and Ex parte Bylund, 217 USPQ 492, 498 (Bd. Pat. App. & Int. 1981) (“functional language in the claims must be given full weight and may not be disregarded in evaluating the patentability of the subject matter defined employing such functional language.”). The principle that functional language may be used to patentably distinguish a claim from the prior art is also stated in both Pac-Tec Inc. v Amerace Corp., 14 USPQ2d 1871, 1876 (Fed. Cir. 1990) (“functional language, in cases like the present, cannot be disregarded”) and In re Pearson, 181 USPQ 640 644 (C.C.P.A. 1974) (“We do not mean to imply that terms which recite the intended use or a

property of a composition can never be used to distinguish a new from and old composition.”). Section 2173.05(g) of the MPEP concurs with this principle by stating: “a functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.” Accordingly, Applicants respectfully submit that even if a phrase such as “which emits linearly polarized light,” is considered as functional language, such a phrase should still be given patentable weight, and can be used to distinguish the present invention from the prior art.

In order to expedite prosecution of this application, Applicants have amended Claims 7 and 13 to more clearly define the manner and structure through which the light source unit emits linearly polarized light. More specifically, Claims 7 and 13 have been amended to recite that the light guide of the light source unit includes “a prism surface for emitting linearly polarized light from said light source without the use of polarization separation element.” One example of an embodiment including this feature is shown in Applicants’ Figure 11, which is described on pages 36-38.

Applicants respectfully submit that the light source 1501 of Figure 20 of Taira et al. does not include a prism surface, and does not emit linearly polarized light. In the Figure 20 embodiment of Taira et al., polarized light is a result of the light separating element 1503. Such a device is different from the claimed use of a “prism surface . . . without the use of a polarization separation element,” as recited in Claims 7 and 13.

Accordingly, as all of the features of the invention recited in Claims 7 and 13 are not disclosed in the Taira et al. reference, Applicants respectfully request the withdrawal of this §102(b) rejection.

Claims 1 and 2 stand rejected under 35 U.S.C. § 103 as being unpatentable over Taira et al. in view of JP 2000-292786. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the cited references, alone or in combination, fail to disclose or suggest all of the features of the present invention. More specifically, the cited references, alone or in combination, fail to disclose or suggest a lighting device that includes, *inter alia*, a pillar-shaped light guide in which “said reflecting surface is shaped to correspond to said prism surface and is comprised of one of a metal film or a multi-layer film,” as defined in independent Claim 1:

As correctly acknowledged by the Examiner, the Taira et al. reference does not disclose the claimed pillar-shaped light guide with the spot light emission source. Accordingly, the Examiner relied upon JP 2000-292786 for this feature. However, as discussed below, JP 2000-292786 fails to disclose or suggest the claimed pillar-shaped light guide in which “said reflecting surface is shaped to correspond to said prism surface and is comprised of one of a metal film or a multi-layer film,” as defined in independent Claim 1.

One example of an embodiment of the pillar-shaped light guide of Claim 1 is shown in Applicants’ Figure 13A, which shows pillar-shaped light guide 50 from which light exits at a first side surface 54, at least one spot light emission source 51, and a prism surface

53 opposed to the first side surface 54. Figures 14A-14C show the claimed reflecting layer 57 that is shaped to correspond to the prism surface 53, where the reflecting layer is comprised of either a metal film or a multi-layer film (see also page 14, lines 14-16), as defined in Claim 1.

In contrast, in the device of JP 2000-292786, the reflecting sheet 14 cannot be considered as the claimed reflecting layer because sheet 14 of JP 2000-292786 is not shaped to correspond to the prism surface 11a of JP 2000-292786. Nor is sheet 14 of JP 2000-292786 a metal film or a multi-layer film, as recited in Claim 1. Instead of being a film that has a shape that corresponds to the prism surface, sheet 14 of JP 2000-292786 is merely a bent sheet of material that is affixed to surround three sides of the device 11 of JP 2000-292786. Accordingly, as all of the features of independent Claim 1 are not disclosed or suggested in the cited references, Applicants respectfully request the withdrawal of this §103 rejection of independent Claim 1 and associated dependent Claim 2.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103 as being unpatentable over Taira et al. in view of JP 2000-292786. Applicants respectfully traverse this rejection.

Claims 8 and 9 both depend, directly or indirectly, from independent Claim 7, and therefore include all of the features of Claim 7, plus additional features. Accordingly, Applicants respectfully request that the § 103 rejection of dependent Claims 8 and 9 under Taira et al. in view of JP 2000-292786 be withdrawn considering the above remarks directed to independent Claim 7.

Claims 10-12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Taira et al. in view of JP 2000-292786. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the cited references, alone or in combination, fail to disclose or suggest all of the features of the present invention. More specifically, the cited references, alone or in combination, fail to disclose or suggest a lighting device that includes, *inter alia*, a pillar-shaped light guide in which “said reflecting surface is shaped to correspond to said prism surface and is comprised of one of a metal film or a multi-layer film,” as defined in independent Claim 10. Similar language is also recited in independent Claim 1. Applicants respectfully submit that for the same reasons discussed above with regard to independent Claim 1, this rejection of independent Claim 10, and associated dependent Claims 11 and 12, should also be withdrawn.

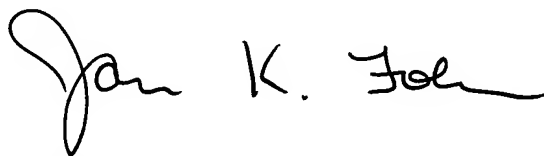
Claims 14 and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Taira et al. in view of JP 2000-292786. Applicants respectfully traverse this rejection.

Claims 14 and 15 both depend, directly or indirectly, from independent Claim 13, and therefore include all of the features of Claim 13, plus additional features. Accordingly, Applicants respectfully request that the § 103 rejection of dependent Claims 14 and 15 under Taira et al. in view of JP 2000-292786 be withdrawn considering the above remarks directed to independent Claim 13 in response to the §102(b) rejection of this claim under Taira et al., and also because JP 2000-292786 does not remedy the deficiencies noted above, nor was it relied upon as such.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

A handwritten signature in black ink, appearing to read "Jan K. Folker". The signature is fluid and cursive, with the first name "Jan" being more prominent than "K.". The last name "Folker" is written in a similar cursive style.

By

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